

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRACY SCANLAN,

Plaintiff,

Case No. 20-cv-1117-pp

v.

ANDREW SAUL,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that she has the ability to pay the filing fee. The plaintiff indicates that she is employed, she is married, and she has two dependents she is responsible for supporting. Dkt. No. 3 at 1. The plaintiff and her spouse have combined employment income of \$6,800 per month. Id. at 2. In addition, the plaintiff receives \$962 per month in Social Security Disability Insurance for her daughter. Id. The plaintiff lists total monthly expenses of \$4,695 (\$1,570 mortgage, \$300 credit card payments, \$2,250 other household expenses, \$175 car insurance, \$200

clothing/toiletries, \$100 vehicle maintenance, \$100 house maintenance). *Id.* at 2-3. The plaintiff owns two vehicles: a 2011 Toyota Camry, worth approximately \$3,000 and a 2010 GMC Sierra, worth approximately \$9,000; she owns her home, worth approximately \$270,000 with \$75,000 of equity; she has just over \$9,500 in cash on hand or in a checking or savings account; and she lists “Jewelry Wedding Ring” worth \$1,100 as other property of value. *Id.* at 3-4. Given the fact that the plaintiff’s total income outstrips her expenses by at least \$2,000 per month and the fact that she has just under \$10,000 in cash on hand or readily available in a checking or savings account, the court finds that the plaintiff has demonstrated she has the disposable income to pay the \$350 filing fee and \$50 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff shall pay the \$350 filing fee and \$50 administrative fee by the end of the day on **August 14, 2020**. If the court does not receive the fee in full by the end of the day on August 14, 2020, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 24th day of July, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge